

**Permitting and Oversight of Small Construction Projects**

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
LAHONTAN REGION  
AND THE  
  
TOWN OF TRUCKEE, NEVADA COUNTY

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- A. This Memorandum of Understanding (MOU) is entered into by and between the California Regional Water Quality Control Board, Lahontan Region (Water Board), and the Town of Truckee (Town). Its purpose is to recognize the Town's storm water construction pollution control program that conforms with the Water Quality Control Plan for the Lahontan Region (Basin Plan).
- B. This MOU describes the standards that the Town Council has adopted to regulate small construction projects and related activities, including erosion control and permitting requirements. Implementation of the standards described herein are intended to mitigate the impact of storm water runoff from small construction projects located within the Town, to prevent the degradation of waters of the Truckee River and its tributaries.
- C. Section 13260 of the California Water Code requires that persons discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, must file a report of the discharge, containing information that may be required by the Regional Water Quality Board of that region.
- D. The Water Board adopted "General Waste Discharge Requirements for Small Construction Projects, Including Utility, Public Works, and Minor Streambed/Lakebed Alterations Projects in the Lahontan Region, Excluding the Lake Tahoe Hydrologic Unit," Water Board Order No. R6T-2003-0004 (General Permit). This General Permit regulates storm water discharges from small construction activity that enters surface waters either directly or indirectly through drainage conveyance or municipal separate storm sewer facilities within certain hydrologic units/areas within the Lahontan Region, including the Truckee River Hydrologic Area. This General Permit includes a provision waiving the requirement for small construction project proponents to obtain coverage under this General Permit if they are in a jurisdiction that has entered into an MOU with the Water Board. This MOU is intended to meet the provisions of the General Permit thereby providing project proponents with a waiver of the need to submit an application for coverage under the General Permit.

- E. For purposes of this MOU, terms are defined consistent with the General Permit. A "small construction project" means construction activity that results in land disturbance of 10,000 square feet or more and less than one acre. Projects involving one acre or more of land disturbance are subject to coverage under the Statewide NPDES Construction General Permit (State Water Resources Control Board Water Quality Order 2009-0009-DWQ) or its successor permit and are not covered by this MOU. Land disturbance means clearing, grading, or disturbances to the ground, including excavation and stockpiling, within the footprint of the structure to be constructed, and any staging and access areas that disturb existing soil conditions. Only the actual area of land disturbance is considered when determining whether a project is covered under the MOU. Small construction projects also include utility projects proposed by a public or private utility, and public works projects proposed by a public entity that involve 10,000 square feet or more of land disturbance. The MOU applies if the construction activity is less than 10,000 square feet but part of a larger common plan of development that, as a whole, encompasses 10,000 square feet or more of soil disturbance and is not subject to coverage under the Statewide NPDES Stormwater Construction General Permit.
- F. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility, nor does it include emergency construction activities required to protect public health and safety.

Therefore, it is agreed that:

1. The Town shall regulate all small construction projects that occur within its jurisdiction that result in land disturbance of 10,000 square feet or more and less than one acre and are not subject to coverage under the Statewide NPDES Stormwater Construction General Permit, including projects conducted by Town departments. The Town will incorporate into its review and permitting criteria for such projects the Town's *Minimum Standards for Year-Round Erosion Prevention on One and Two Family Dwelling Construction Projects* ("Minimum Standards") [available at <http://www.townoftruckee.com/Modules/ShowDocument.aspx?documentid=2841>], *Public Improvements and Engineering Standards* ("Engineering Standards") [available at <http://www.townoftruckee.com/index.aspx?page=684>], and the Truckee Municipal Code-Title 18, Development Code ("Municipal Code") [available at <http://www.townoftruckee.com/Modules/ShowDocument.aspx?documentid=8200>], hereby incorporated into this MOU by reference. The Town may issue construction permits for projects without the Water Board's prior review provided

that the project complies with the Towns' Minimum Standards, Engineering Standards, or Municipal Code.

2. The Town shall refer to the Water Board for permitting all projects involving potential impacts to wetlands (determined using the methods in the current Federal Manual for Identifying and Delineation of Jurisdictional Wetlands; US Army Corps of Engineers, 1987) or the 100-year floodplain of the Truckee River or its tributaries, regardless of size or potential project compliance with this MOU.
3. The Town shall maintain a record of all Town department projects and applications for small construction projects submitted and reviewed, number of permits issued, inspections performed, and compliance record and any follow up or enforcement actions under this MOU. This record shall be maintained for a five-year period and made available to the Water Board for review if so requested.
4. The Water Board shall, upon request of the Town, assist the Town in meeting its commitment pursuant to this MOU. Such assistance may include review of specific portions of applications, or ensuring compliance with Basin Plan water quality objectives and prohibitions.
5. The Water Board shall consult with the Town prior to initiating permitting or enforcement actions on projects subject to this MOU, except in situations where immediate action is required to prevent or correct water quality problems.
6. The Water Board reserves the right to require the proponent of any project that would otherwise be subject to regulation by the Town pursuant to this MOU to file a report of waste discharge for review and action by the Water Board.
7. This MOU may be amended as mutually agreed in writing by the Town and the Water Board.
8. This MOU shall be effective immediately upon execution of this agreement by both parties. It may be terminated for any reason by either party with 30 days notice. Termination will occur upon 30 days after receipt of written notice by the non-terminating party.
9. The Town shall notify the Water Board of any changes, amendments, or modifications to the "Minimum Standards," "Engineering Standards," or "Municipal Code," not less than 30 days in advance of when the change will take effect.

Memorandum of Understanding  
between the Lahontan Water Board and  
the Town of Truckee

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10. All notices and communication under this MOU shall be addressed to the following person(s):

Tony Lashbrook, Town Manager  
Town of Truckee  
10183 Truckee Airport Road  
Truckee, CA 96161-3306

Harold J. Singer, Executive Officer  
California Regional Water Quality Control Board, Lahontan Region  
2501 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

This Memorandum of Understanding is executed on the date of the most recent signature below, by the following authorized representatives of the parties:

  
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**Tony Lashbrook**  
Town Manager  
\_\_\_\_\_  
**Harold J. Singer**  
Water Board Executive Officer

Date 3.16.2012

Date Feb 27, 2012